

What I Have Learned

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HEN I HEARD THE NIXON TAPES, as my attorneys and I prepared for the cover-up trial, it became crystal clear that Richard Nixon had been involved in the cover-up within a week of the Watergate burglary. And everything and everyone Nixon and John Dean touched during the following 10 months was tainted with the cover-up conspiracy, including me.

I was involved in transmitting "hush money" to the Watergate burglars. In April 1973, I knew many facts about that burglary and the subsequent cover-up because I had conducted a two-week investigation at Nixon's request. I turned over my findings to the President; I should have gone to the U.S. Attorney with them. For over six months I had known that John Dean had information about the burglary, just as I knew Egil Krogh, David Young, Howard Hunt and Gordon Liddy had been involved in a California burglary while investigating Daniel Ellsberg. My legal obligation was to inform the authorities of those crimes. My failure to do so was an obstruction of justice.

In retrospect, I should have pleaded guilty to the charges against me, quietly gone to jail and moved along. As I underwent that long and sensational Watergate cover-up trial through the fall and winter of 1974, it was hard on my family, I know. But I could not

bring myself to utter the word "guilty," principally because of my vanity and pride.

I now realize that the trial was far more destructive for those I love, and for me, than an admission of guilt would have been.

I did what I did, and now—with nothing at risk—I can confront what happened and see it more clearly.

I regret deeply the harm that the Watergate episode—and especially my part in it—has done the country and the many people I care about. I realize that the Presidency went adrift in the trough of the waves in 1973 and wallowed there for about seven years as Presidents Nixon, Ford and Carter

feebly dealt with Watergate's aftermath. Much of our present economic malaise has a proximate relationship to the failure of the Presidency to cope with its precedents, I believe.

At times I think that, if I'd been wiser, I might have deflected the course of history by persuading or forcing Richard Nixon to come clean early in the episode. I'll never know for certain.

But I do know that I should have realized and admitted my own guilt much earlier. Whatever the effect on history, I could have spared those I love much hardship.

For nearly 10 years (1959-69), I literally had a secondhand relationship with Richard Nixon—through Bob Haldeman. Nixon and I had private talks only four or five times during all those years of campaigning. One sum-

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mer we took a yacht cruise together, once we met in his office, and another time we sat up most of the night in Salt Lake City when he couldn't sleep.

But usually Nixon dealt with me through Bob Haldeman, even after I'd gone to work as counsel to the President in the White House, in 1969.

At first I didn't understand how much power I derived from simply being the President's counsel, with an office in the West Wing of the White House and being written about as a member of the President's "senior staff."

Within 60 days I was in Europe laying out the President's trip to eight countries, dealing with ambassadors, foreign officials and our military. I discovered that these people considered my word to be law! I spoke for the

President, and in our government that made me King of the Mountain.

When the President delegated me responsibility for domestic affairs in late 1969, my apparent power increased. I dealt with the Cabinet in the President's place, criticizing mistakes, praising good work, bestowing or withholding favors.

I realized that my power was wholly derivative; apart from the President I was nothing. But with his explicit or implicit backing, I could (and did) hire, fire and order about such disparate agencies as the Corps of Engineers, the Bureau of Roads, the Bureau of Indian Affairs and the Federal Reserve Board.

Exercising the President's power was sometimes like driving a Volkswagen Beetle in a high wind. Once I complained about the street signs in the City of Washington and a whole unit of the National Park Service dropped everything it was doing to redesign the signs. Another time I terrified a roomful of civil servants by walking among the desks asking about what each person did there.

The perquisites which attach to Presidential power are both delightful and seductive. Limousines, helicopters and a cabin at Camp David are only the tip of the iceberg. I used to have a (free) massage in the elaborate White House "health unit" every afternoon at 4 p.m. Tickets to performances at the Kennedy Center. Ford's

Theater or Wolf

Trap Farm were

mine for the asking.

Henry Kissinger

even had his laun-

dry looked after by his office aides.

If the President was for me, who could stand against me? I came to believe that only Richard Nixon could make problems for me and, as a mat-

ter of fact, it turned out that was true.

When, after a year as counsel, I became Assistant to the President for Domestic Affairs, I began to see Richard Nixon daily, one-to-one, to deal with the nation's domestic agenda.

I reposed total loyalty and confidence in Richard Nixon during the next three years. Not only was he the President of the United States; he was my mentor in all matters of government and politics.

To be sure, I would not have relied on him for personal advice, professional legal help, suggestions on how to raise the kids or how to return a topspin lob. But for years I had seen him through Haldeman's eyes as the quintessential American man of government, and in that role he had my total confidence and respect.

Over the years I had seen Nixon dump his old friends and colleagues when it suited his purposes. But in each case I was able to rationalize his decision. Murray Chotiner had to leave the White House staff because his Machiavellian maneuvers could embarrass the President. Herb Klein should be fired because of his stupid mistakes. John Sears must leave, along with Bob Ellsworth, Pat Hitt, Wally Hickel, Pat Hillings and all the others for Nixon's good reasons. It should have occurred to me that I could be cut loose as easily as they were, but it didn't.

Henry Kissinger, for one, always managed to survive. He and I had adjoining patios at the San Clemente office building when the President was at the Western White House. Henry used to receive prominent columnists and media personalities there in a steady stream, offering them a mixture of

blandishment and coffee cakes.

I knew that Richard Nixon had sent Kissinger firm instructions, via Bob Haldeman, to stay away from the press.

orders: First, he wanted everyone to understand that the President, not his aides, made the foreign policy in his Administration. Henry's interviews tended to give the contrary impression. Second, Nixon felt that Henry was not an effective spokesman for the Administration.

I sat on the other side of the patio fence listening to Henry, and I wondered at the phenomenon. He was violating the President's clear injunction: I didn't think I could ever get away with that. He was giving his journalist guests confidential information about foreign affairs "on background," bestowing enormous favors upon the lucky reporters. Mess boys attended to his guests' needs, and Henry was flattering in his concern for their comforts. Henry ladled out information no one else in Washington dared give away. The success of his salesmanship would be apparent later when some of Henry's patio guests wrote columns exculpating him from responsibility during the Christmas bombing of North Vietnam or the lesser emphasis given his involvement in bugging and tapping his own staff. Although Henry has clearly emerged from the Nixon era in better shape than others similarly involved in governmental abuses, history will inevitably demand its due.

By the spring of 1973 Nixon knew he was in trouble. In fact, in April of that year I told him that I thought his impeachment was a possibility. I guess I was the first person to utter that word to him.

When he learned that John Dean was trying to win immunity from the U.S. Attorney in return for "evidence" against Bob Haldeman and me, Nixon began to hope that Haldeman and I might be the lightning rods for all his Watergate troubles. Perhaps the U.S. Attorney would be satisfied with our heads and Dean would stop talking. The President systematically sought support for our firing from Henry Kissinger, Leonard Garment, Secretary of State William Rogers and others who might endorse our termination.

The last weekend in April 1973, Bob Haldeman and I were summoned to Camp David to receive the *coup de grace* at Nixon's clumsy hand. It was messy and ungraceful: Nixon was obviously feeling a lot of guilt that day. His eyes were red-rimmed from crying and he was barely coherent as he sobbed his predictable words of farewell.

secret tapes (in pretrial preparation in 1975) that I realized that I'd never had Richard Nixon's trust, and I learned how badly misplaced my confidence in him had been. On the tapes I heard him tell Richard Moore that I'd been selected by the President to investigate Watergate because I was a dupe who would never turn Nixon in. He'd given me a completely false rationale for his manipulation of the CIA, the tapes revealed. He enjoined Haldeman from ever telling me that we were constantly being taped and, at our last conversation in May 1973, he tried to lead me into saying things which would exculpate him: "I didn't know, did I?" he suggested. I nodded. "Well, if I did, I forgot it," he replied. I should have guessed we were being recorded that day, but I'd not had a clue that everything said in the Oval Office was being taped for over two years. Those recordings are immutable evidence of Mr. Nixon's inability to reciprocate the loyalty of his staff.

The Senate Watergate hearings were televised live on several networks and rebroadcast each evening for many weeks. There has not been such super-saturating coverage of any prolonged event in the history of the country, before or since.

For four years I had worked in the White House goldfish bowl, holding press conferences, appearing with the President at public functions and explaining the Administration's domestic policies at meetings all over the country. Nevertheless, as I moved about, even in Washington, very few people recognized me.

But, after five days as a witness before those cameras in the Senate hearing room, I was instantly recognized everywhere I went. A gas station attendant in Pennsylvania asked

me for my autograph as we began our drive from Washington, D.C., back home to Seattle. In Montana a motel clerk greeted me by name. I was recognized at a hot dog stand in Idaho and by people in a car on the freeway near Spokane.

I came to realize that not everyone who saw me thought I was a hero; during the hearings I had been always on the defensive. I was tough and aggressive. My truculence was a mistake.

The real measure of all of that television came in my encounters with grand juries in California and Washington, D.C. Their hostility toward me was palpable; I had lost some important friends by my demeanor before the Senate committee.

During the televised hearings I vigorously defended Richard Nixon. At that time I still believed what he'd told me, and I felt a partisan attack was being mounted against our Administration by exploiting John Dean's testimony.

Because I knew that most of Dean's charges against me were untrue, I thought *everything* he said was untrue. This is not to re-argue a case. As I said at the beginning, my responsibility in Watergate is clear and I should have pleaded guilty, but it may help to understand why I thought John Dean's charges against the President were without substance. Dean, for example, falsely claimed that I had instructed him to destroy the contents of Howard Hunt's safe by "deep-sixing" them in the flooded Potomac River. It was, of course, later discovered that Dean himself had destroyed some of that very evidence. Dean sought to gain immunity, to gain his freedom in exchange for my head. Thus, I believed that Dean's charges against Richard Nixon must be similarly false and, when I heard Alex Butterfield disclose the existence of the President's secret taping system, I felt sure the tapes would exonerate Nixon. Some of the tapes did demonstrate the falsity of important parts of Dean's original story, but when I heard the tapes for myself a year and a half later I realized that what Richard Nixon had told me about the June 23, 1972, cover-up meeting with CIA officials was false in vital respects. I had testified before the Senate committee on the basis of what Nixon had told me.

Interestingly, I was not indicted for giving that false testimony. It is clear from my notes (which the Special Prosecutors had) that I, too, had been misled by Richard Nixon.

To this day, many people remember me from those televised five days of testimony as bad-tempered, hard-nosed and arrogant—a portrait I regret I earned.

For nearly 20 years, as a lawyer in a private, civil practice, I accepted responsibility for my own conduct. In the rare cases when a client asked me to do something for him that was ethically questionable, I simply declined to be his lawyer. During all that time, I was my own boss.

At the White House the President is the boss, and in 1969 I found myself working for him, taking orders and shaping my schedule to his convenience.

I gave the President advice when it was asked for but, like everyone else there, I was expected to be faithful to his decisions whether I agreed with them or not.

I reposed vast confidence in Richard Nixon, partly because he was President and partly because I had watched him make a number of thoughtful and sound decisions in times of crisis.

As the Watergate noose tightened in early 1973, I felt instinctively that it was vital for President Nixon to make a clean breast of everything he knew about Watergate and its aftermath if his Presidency was to survive and be effective. (I didn't realize at the time that his full disclosure would have included a confession that in June 1972 he had tried to use the CIA to obstruct the FBI's Watergate investigation.)

When the President declined to "come clean" with the American people, I did what I had been doing for nearly five years: I fell into step with his decision, rather than to chart my own course by my own ethical compass.

I intend never again to abdicate the moral judgments I am called upon to make. I hope I succeed. Nothing I've learned is more important to me. **P**